

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Valerie Hope,

Plaintiff,

-vs-

5:08-CV-978

MICHAEL J. ASTRUE,
as Commissioner of Social Security,

Defendant.

Thomas J. McAvoy, D.J.

DECISION and ORDER

This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report-Recommendation dated April 15, 2010, Magistrate Judge Bianchini recommended that the case be remanded to the Commissioner for further consideration. Plaintiff has filed objections.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge]." Id. The Court may also "receive further evidence or recommit the matter to the magistrate judge

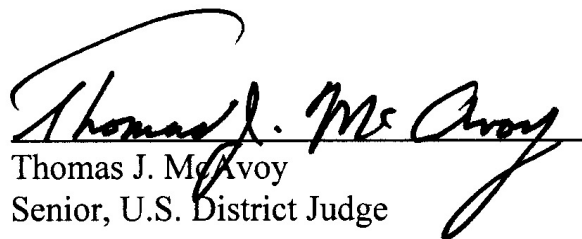
with instructions." Id. Thus, the Court reviews the instant matter *de novo*.

After reviewing the matter *de novo*, the Court agrees with the Report-Recommendation in its entirety. Magistrate Judge Bianchini correctly determined that jurisdiction existed over the instant subject matter, and correctly found that Administrative Law Judge Friedman failed to properly articulate his findings and failed to properly apply the law in forming his decision.

Consequently, the Report-Recommendation is adopted in its entirety, and the Court remands the case to the Social Security Commissioner for further administrative proceedings in accordance with the findings of the Report-Recommendation.

IT IS SO ORDERED.

Dated: August 5, 2010


Thomas J. McAvoy
Senior, U.S. District Judge